

E-Filed 11/3/08

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION**

CHARLES W. O'BRYAN, JR.,

Plaintiff,

V.

RODEO EXPRESS CHARTERS, et al.,

Defendants.

Case Number C 08-3367 JF (RS)

**ORDER DISMISSING ACTION
WITHOUT PREJUDICE TO
REFILING IN STATE COURT**

On September 18, 2008, the Court dismissed the complaint in this action for failure to state a claim upon which relief could be granted. Plaintiff did not file an amended pleading within the time provided, and did not appear at a Case Management Conference held on October 31, 2008. Accordingly, the action is DISMISSED without prejudice to refiling in an appropriate state court.

IT IS SO ORDERED.

DATED: 11/3/08


JEREMY FOGEL
United States District Judge

1 Copies of Order served on:

2
3 Charles W O'Bryan, Jr.
4 1275 Ashcroft Lane
5 San Jose, CA 95118
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28